

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAMARR ROWELL,

Plaintiff,

v.

STEVE SISOLAK, *et al.*,

Defendants.

Case No. 3:20-cv-00038-MMD-CLB

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CARLA L. BALDWIN

Pro se Plaintiff Lamarr Rowell brought this case asserting disability and age discrimination under the Equal Protection Clause of the United States Constitution. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin concerning Rowell’s application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1), civil rights complaint (ECF No. 1-1), motion for temporary restraining order (“TRO Motion”) (ECF No. 1-2), and motion for appointment of *pro bono* counsel (ECF No. 1-3). (ECF No. 3.) Rowell was permitted to file an objection to the R&R (*id.*) but has instead filed a “non-objection” (ECF No. 5). The Court will accept and adopt the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes

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1 (1983) (providing that the court “need only satisfy itself that there is no clear error on the
2 face of the record in order to accept the recommendation”).

3 In light of Rowell’s non-objection, the Court finds it unnecessary to engage in a *de*
4 *novo* review to determine whether to adopt Judge Baldwin’s R&R. The Court is also
5 independently satisfied that there is no clear error upon reviewing the complaint, ultimately
6 agreeing with Judge Baldwin’s finding that, *inter alia*, Rowell fails to state a viable equal
7 protection claim. (See ECF No. 3 at 5–7.)

8 It is therefore ordered, adjudged, and decreed that the Report and
9 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 3) is accepted and
10 adopted in its entirety.

11 It is further order that the IFP Application (ECF No. 1) is granted.

12 It is further ordered that the Clerk of the Court file the complaint (ECF No. 1-1).

13 It is further ordered that the complaint is dismissed for failure to state a claim.

14 It is further ordered that the TRO Motion (ECF No. 1-2) is denied as moot.

15 It is further ordered that the motion for appointment of counsel (ECF No. 1-3) is also
16 denied as moot.

17 The Clerk is directed to enter judgment accordingly and close this case.

18 DATED THIS 26th day of May 2020.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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